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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Chapter 7

NIRAJ CHATURVEDI d/b/a
GLOBAL GEM TRADERS

Case No.: 05-60079 (PCB)

Debtor.

NIRAJ CHATURVEDI d/b/a
GLOBAL GEM TRADERS

Appellant,

v.

Richard E. O'Connell, Trustee,

Appellee.

**APPELLANT'S DESIGNATION OF RECORD
AND STATEMENT OF ISSUES ON APPEAL**

On December 10, 2007, Appellant, Niraj Chaturvedi (the "Appellant"), filed a Notice of Appeal (Docket No. 76) pursuant to 28 U.S.C. § 158(a) and Rule 8001 of the Federal Rules of Bankruptcy Procedure, appealing from an Order signed November 28, 2007 by Judge Prudence Carter Beatty (Docket No. 68).

Appellant hereby (a) designates the following items for inclusion in the Record on Appeal, which items, except for the transcript of the hearing held before the Bankruptcy Court, are listed on the electronic docket of Case No. 05-60079 (PCB), and (b) submits the following issues on appeal:

DESIGNATION OF CONTENTS OF RECORD ON APPEAL

1.	11/19/2007	<u>65</u>	Motion to Approve Compromise filed by Avrum J. Rosen on behalf of Richard E. O'Connell. (Attachments: # <u>1</u> Exhibit A Stipulation of Settlement# <u>2</u> Exhibit Local Rule 9077-1 Affidavit# <u>3</u> Exhibit Proposed Order approving settlement) (Rosen, Avrum) (Entered: 11/19/2007)
2.	11/21/2007	<u>66</u>	Order to Show Cause signed on 11/20/2007 why application by trustee for order pursuant to Fed. R. Bankr.P. 9019(A) and 11 U.S.C. Sec. 105(A) authorizing the parties to enter into and approving a stipulation of settlement and compromise of claim with the Esmerian Group including litigation support agreement should not be entered. (related document(s) <u>65</u>) with hearing to be held on 11/28/2007 at 02:30 PM at Courtroom 701 (PCB) (Chou, Rosalyn) (Entered: 11/21/2007)
3.	11/21/2007	<u>67</u>	Affidavit of Service of <i>Order to Show Cause and motion to approve settlement of a controversy</i> (related document(s) <u>65</u>) filed by Avrum J. Rosen on behalf of Richard E. O'Connell. (Rosen, Avrum) (Entered: 11/21/2007)
4.	11/28/2007	<u>68</u>	Order signed 11/28/07 by Judge Prudence Carter Beatty Granting Motion authorizing parties to enter into and approving a stipulation of settlement and compromise of claim with The Esmerian Group including Litigation Support Agreement. (Related Doc # <u>65</u>) (Pabon, Carlos) (Entered: 11/28/2007)
5.	12/11/2007	<u>76</u>	Notice of Appeal filed by Niraj Chaturvedi. Filing fee collected, receipt #174474.(Rouzeau, Anatin) (Entered: 12/11/2007)
6.			Transcript of hearing held on Motion to Approve Compromise (Docket No. 65)

STATEMENT OF ISSUES PRESENTED ON APPEAL

1. Whether the Bankruptcy Court erred or abused its discretion in approving a settlement on expedited notice (Docket No. 66).
2. Whether the Bankruptcy Court erred or abused its discretion in entering the Order on November 28, 2007 (Docket No. 68).
3. Whether the Bankruptcy Court erred or abused its discretion in approving a settlement that did not satisfy the standards required by Rule 9019 of the Federal Rules of Bankruptcy Procedure (Docket No. 68).
4. Whether the Bankruptcy Court erred or abused its discretion in approving a settlement whose express intention was to permit "the estate to be able to pay all allowed claims in full but without any surplus funds being distributed to the Debtor." (Docket No. 65 at 9, ¶ 22 d.)
5. Whether the Bankruptcy Court erred or abused its discretion in approving a settlement that violated 11 U.S.C. § 726(a) through an express intention to cause "the estate to be able to pay all allowed claims in full but without any surplus funds being distributed to the Debtor." (Docket No. 65 at 9, ¶ 22 d.)

Dated: New York, New York
December 20, 2007

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By: _____

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